

## Always Something New at the Courthouse, Even When There Isn't

Honorable Richard J. Sankovitz, Milwaukee County Circuit Court

It's been quiet on the local rules front lately, no controversy to report, nor any confusion. (A sign we've achieved utopia? Possibly. Another explanation might be that we're back to business as usual, with the local rules largely ignored until something goes seriously wrong.)

In the meantime, there are always new developments at the courthouse worth following. Here are two:

- On June 19, 2011 the **new State Public Defender eligibility standards** went into effect. A person whose income does not exceed 115% of the current federal poverty guideline now qualifies. The new standards make it possible for many more people accused of crimes to get a lawyer at State expense rather than at the expense of the county.

This is a significant development. The eligibility standards had not been recalibrated since 1987. (You might recall 1987, when a gallon of gas cost about \$.90, you could buy a decent new car for about \$10,000, and Chris Foley was a relatively new judge.)

Over the years, as the eligibility standards dropped further and further behind the cost of living, more and more people turned to the court to appoint a lawyer, which precipitated substantial county expense. In criminal cases in Milwaukee, the cost has come to exceed \$300,000 per year. But a patchwork system of court-appointed lawyers isn't nearly as efficient or cost-effective as the staff model we have in the SPD.

The bill to update the standards was introduced in the last biennium by then Representative (now Court of Appeals Judge) Gary Sherman and Senator Spencer Coggs. It was passed on a bipartisan vote in the State Senate. All it took in the Assembly was a voice vote. Clearly, the time had come for this change.

- Milwaukee is one of only seven sites in the country still in the running for a federal grant to develop **evidence-based decision making** in criminal courts.

The National Institute of Corrections (an agency within the Department of Justice and Bureau of Prisons) sponsored a nationwide competition for localities to showcase the best ways of applying to criminal justice the data-driven research, cost stewardship, and management disciplines that have proven successful in medicine and in other fields. Last year, the field was narrowed to seven, including Milwaukee.

As the *Messenger* goes to print, a collaboration of Milwaukee leaders is submitting its final set of proposals for reducing recidivism while at the same time lowering the cost of our system and reinvesting the savings. The team is headed by Chief Judge Kremers and includes, among others, District Attorney John Chisholm, First Assistant State

Public Defender Tom Reed, Sheriff Clarke, Chief Flynn, Mayor Barrett, County Executive Abele, County Supervisor Willie Johnson, and Kit McNally of the Benedict Center.

A four-pronged project makes up Milwaukee's entry:

(1) Developing and deploying actuarial instruments to assess the risks and needs of pretrial detainees, so that we can make smarter, more cost effective decisions about who we jail and who we supervise in the community.

(2) Bringing to the table more detailed information about an offender's background (including information about the risk of reoffending and the particular needs in an offender's background that lead to crime) when plea negotiations begin, rather than at the end of the process, at the sentencing hearing. For low-risk offenders, many more cases might be diverted from the system altogether.

(3) Putting to work innovative research about the "dose" of rehabilitative programming needed to lower the risk of an offender on probation re-offending. For certain offenders, probation may be much more cost-effective if it is geared to particular objectives that the probationer must achieve rather than merely to a certain duration of time without reoffense. When the dosage level is achieved – which might occur months or years before the end of a typical probation period – probation would terminate.

(4) Building a deeper, more rapidly accessible database about people with mental illness who have frequent contact with the criminal justice system, so that from the very first moment of police contact their cases can be streamlined and the right mix of services provided to them, without exacerbating their sometimes fragile, sometimes volatile conditions.